

SENT TO COUNCIL:

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# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** MEDICAL MARIJUANA/CANNABIS DISPENSARIES **DATE:** August 30, 2010

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Approved Deana Silva Date 8/31/10

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## INFORMATION

On August 24, 2010, an advisory letter was sent to the property owners and business owners of medical marijuana collectives/dispensaries operating within the City of San Jose. The letter advised the owners of Council's June 22, 2010 directive to staff to "...focus enforcement on the closure of any collective that is:

- within 500 feet from sensitive uses as enumerated in the staff report and/or
- any collective located outside the CG Commercial General Zoning District."

A copy of the letter is attached for your information. All of the 57 marijuana collectives/dispensaries that received the advisory letter are located within 500 feet of a sensitive use and/or are outside of CG Commercial General Zoning Districts.

Enforcement will continue to be focused on medical marijuana collectives/dispensaries whose operations have created, or continue to create, a public nuisance, such as The Purple Elephant and Pharms Health Center, Inc.

/s/

JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

Attachment: Advisory Letter

For additional information, please contact Code Enforcement Official Michael Hannon at (408) 535-7826.

August 24, 2010

Property Owner Name  
Property Owner Address  
City, State, Zip

Dear Property Owner(s):

**RE: SUBJECT PROPERTY ADDRESS**

The City of San Jose has received information that the above-referenced property is being used to operate a medical marijuana/cannabis dispensary (collective or cooperative). Please be advised that medical marijuana/cannabis dispensaries are not a permitted use in the City of San Jose.

On June 22, 2010, the City Council provided staff with direction to "...focus enforcement on the closure of any collective that is within 500 feet from sensitive uses as enumerated in the staff report and/or any collective located outside the CG Commercial General Zoning District."

Therefore, the City Council adopted the following guidelines:

- Within 500 feet of the following sensitive uses: residential uses, schools, child day care centers, churches that include schools or day care, community or recreation centers, parks, trails, libraries, substance abuse rehabilitation centers or other medical marijuana collectives.
- Outside of the Commercial General (CG) Zoning District.

Although the City of San Jose is currently working on a medical marijuana ordinance that will be the subject of a City Council study session in November or December of 2010, any operation of a medical marijuana dispensary in the City of San Jose may subject you and the operator of the dispensary to enforcement action, resulting in the issuance of a separate compliance order calling for the immediate closure of any un-permitted use at the property and the possible imposition of administrative penalties of up to \$2,500 per day, per violation.

Your immediate cooperation in this matter is appreciated. Should you have any questions, please feel free to contact me directly at (408) 535-7891.

Sincerely,

Margaret Lafferty, Code Enforcement Supervisor  
Planning, Building and Code Enforcement

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cc: Business Owner Name  
Business Owner Address  
City, State, Zip